

EXHIBIT

1

NO. 10-12-13331

NORMAN JARRETT and
JERRY THURMON

VS.

POWER LINE SERVICES, INC.
and TOTAL ELECTRICAL
SERVICE & SUPPLY CO.

§ IN THE DISTRICT COURT OF
§
§ MONTGOMERY COUNTY, TEXAS
§
§ 284TH JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF
SHARI PAYNE
APRIL 5, 2011

ORAL DEPOSITION OF SHARI PAYNE, produced as a witness
at the instance of the PLAINTIFFS, and duly sworn, was
taken in the above-styled and numbered cause on APRIL 5,
2011, from 1:52 p.m. to 5:37 p.m., before Linda A.
Rayburn, CSR, RPR, CLR in and for the State of Texas,
reported by machine shorthand, at the offices of Stuart
& Associates, 909 Fannin, Suite 3250, Houston, Texas,
pursuant to the Texas Rules of Civil Procedure and any
provisions stated on the record or attached hereto.

1 PROCEEDINGS

2 THE VIDEOGRAPHER: We're on the record

3 April 1st, 2011. It's 1:52 p.m. Beginning of tape one.

6 SHARI PAYNE,

7 having been first duly sworn, testified as follows:

8 EXAMINATION

9 BY MR. PARZIVAND:

10 Q Please state your full name for the ladies and
11 gentlemen of the jury.

12 A Shari Rene Payne.

13 Q Okay. And who is your current employer?

14 A TESSCO.

15 Q TESSCO. What is your present job title with
16 that employer?

17 A Field Office Manager and Executive Assistant..

18 Q All right. Throughout this deposition, just to
19 kind of lay some of the ground rules, I may refer to
20 Total Electrical Service & Supply company as TESSCO, for
21 ease of reference: is that understood?

22 A Yes.

23 O Power Line Services will simply be Power Line?

24 A Okay.

25 Q I will also refer to most people on a first



1 Q (BY MR. PARZIVAND) What -- if you go down and
2 look under, "Duties," the third line is, "Process
3 Tuesday packets as they come in every week." What are
4 Tuesday packets?

5 A Since I'm not out in the field like the field
6 secretaries are, I pick up the slack for the crews that
7 don't have secretaries with them, so they send their
8 packets in to me, all their paperwork in to me every
9 Tuesday and so that's why it's called a Tuesday packet.

10 Q What's -- what's encompassed in that packet?
11 Does it include expense reports? What, exactly?

12 A Yes, it includes expense reports, IVDR's,
13 vehicle inspection reports, fuel receipts, credit card
14 receipts, any employee paperwork that they may have,
15 their inventories once a month, their safety paperwork,
16 driver logs if they have truckers on their jobs, you
17 know.

18 Q What is an IBDR?

19 A Individual Vehicle Distance Record.

20 Q Oh, I-V. And in terms of processing these
21 packets, what does that entail, just making sure all
22 the -- is that just making sure all the paperwork is in
23 order or is there more to that?

24 A I first check it all off and make sure it's all
25 there and then I make sure it was filled out correctly.



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1 And I make copies. And I log in the mileage from the
2 IVDR's. And I check to see if there is any complaints
3 or anything wrong on the vehicle inspection reports and
4 turn in work orders for them if there are. And then I
5 send the paperwork to the correct people. And if they
6 are filled out incorrectly, I send them back to the
7 superintendents and ask for the correct information.

8 Q If you'd go to the second page --

9 A Uh-huh.

10 Q -- you will see that the third duty is to take
11 applications, check them over, send information to April
12 for MVR background checks and set up drug screens.

13 What -- is that April Rosas that you're speaking of?

14 A Yes.

15 Q Okay. And those are -- those are applications
16 for employment within the company?

17 A Yes.

18 Q Has the company been doing a lot of hiring over
19 the last few months? Has the -- has the transmission
20 substation division grown?

21 MS. SAWYERS: Objection, form.

22 A Over the last few months, probably not. I
23 mean, it's -- it goes up and down. We go through a week
24 or two where they hire a lot of people and then it kind
25 of slows down and -- you know, as people leave or



1 Q And was that a written policy?

2 A Yes, it was.

3 Q There is a part that I think definitely meshes
4 with your job and I was wondering if you could clarify
5 if this is the case. If the -- if in -- go on to
6 Page 6.

7 A Okay.

8 Q The last sentence of kind of the incomplete
9 paragraph there. "If the expense report is not received
10 by the Controller within a reasonable timeframe
11 thereafter, the charges will be deducted from the PLS
12 employee's pay until a properly submitted expense report
13 has been received."

14 Is that the policy at TESSCO?

15 A Kind of. There didn't have to be a properly
16 submitted expense report, but the receipts had to be
17 received.

18 Q (BY MR. PARZIVAND) Okay. So if -- if Jerry,
19 for example -- scratch that. If Jerry just forgets to
20 turn in a receipt for whatever reason, then that would
21 be deducted from his pay?

22 MS. SAWYERS: Objection, form.

23 A Not necessarily. I would -- and Jerry could
24 tell you this -- I would pick up the phone and say,
25 "Jerry, I need your receipts."



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1 Q (BY MR. PARZIVAND) Okay.

2 A And then I would pick up the phone again and
3 say, "Jerry, did you ever find those receipts?"

4 Q Okay.

5 A And then I would pick up the phone and try to
6 call those companies and help him get copies of those
7 receipts. And if all else failed, then they would be
8 deducted from his paycheck.

9 Q Okay.

10 A The reason being is we don't know what was
11 purchased. We don't know if it was a personal purchase
12 or a company purchase, so if they are not keeping up
13 with their receipts, then it gets deducted.

14 Q Okay. And it -- it sounds like, based on what
15 you are telling me, though, it sounds like you were
16 making your best efforts to locate these receipts, even
17 if Jerry was unable to, that it was an automatic
18 deduction at that point?

19 MS. SAWYERS: Objection, form.

20 A It was not an automatic deduction, it was -- we
21 tried to find the receipts, yes.

22 Q (BY MR. PARZIVAND) Right, but if the receipts
23 were not located, if you couldn't locate them and Jerry
24 couldn't locate them, then his pay would eventually be
25 deducted automatically, essentially?



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1 A Yes. Yes.

2 Q Okay. Let's go ahead to Page 9 and let me --
3 let me read that. And again, I think this meshes with
4 everything else.

5 It's Section H: "If the card is used for
6 an employee's personal expenses, PLS reserves the right
7 to recover these monies from the cardholder. I'm
8 authorizing the company to recover from my salary any
9 amount charged to the PLS corporate credit card for
10 personal use."

11 Is that in line with TESSCO policy prior
12 to Power Line?

13 A Yes.

14 Q Is that in line with Power Line's current
15 policy?

16 A Yes.

17 MR. PARZIVAND: Let me know if at any
18 point you do need a break. I'm going to -- would now be
19 a good time, or I can continue on?

20 MS. SAWYERS: No, we're fine with a break
21 now.

22 MR. PARZIVAND: Fine with a break now?

23 MS. SAWYERS: Yeah.

24 THE VIDEOGRAPHER: We're off the record at
25 2:40. End of tape one.



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1 (A break was taken from 2:40 to 2:53.)

2 THE VIDEOGRAPHER: We're on the record at
3 2:53. Beginning of tape two.

4 Q (BY MR. PARZIVAND) All right. Have you ever
5 met Norman Jarrett?

6 A Yes.

7 Q About how many -- how many times have you met
8 him during your employment with TESSCO?

9 MS. SAWYERS: Objection, form.

10 A I talk to him every day when --

11 Q (BY MR. PARZIVAND) Well --

12 A When he was employed with us, I talked to him
13 every day.

14 Q For -- for what job duty or what reason?

15 A He called in his time to me and he turned in
16 his Tuesday packets to me, just like Jerry Thurmon did.

17 Q How often was Norman actually in Alvarado?

18 A Most of the time. Several times a week, when
19 he wasn't on the road.

20 Q Did you ever speak to Norman regarding his
21 hernia that caused him to take off of work starting on
22 June 30th?

23 A Yes.

24 MS. SAWYERS: Objection, form.

25 A Yes.



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1 purchased by the employee, as were the bigger tools or
2 the odd-sized tools were paid for by the company. But
3 by the descriptions on these receipts, I really couldn't
4 tell what they were and that's why I had to ask Wayland
5 or Armando.

6 Q And is it -- is it the superintendents who are
7 buying the tools or is it just the general electricians
8 and things like -- people like that who were buying
9 these tools?

10 A The superintendents had the credit cards.

11 Q Okay.

12 A Now, sometimes they may have given their credit
13 cards to one of their crew members to go purchase
14 something, but ultimately the superintendent was
15 responsible for what was purchased on his credit card.

16 Q So ultimately the superintendent, if -- if a --
17 if a non-approved tool was purchased, ultimately the
18 superintendent would be automatically deducted for the
19 purchase of that tool without approval?

20 MS. SAWYERS: Objection, form.

21 A Yes, it would be up to him to go to the crew
22 member who did that and deduct that from his paycheck.

23 Q (BY MR. PARZIVAND) So would that be an
24 informal deduction or would it be basically the
25 superintendent goes and, you know, gets a check from

1 that crew member?

2 A No, it would be a payroll deduction.

3 Q Okay. So --

4 A Yeah.

5 Q So he would actually go through and call you or
6 Monica Abila or whoever is in charge of payroll
7 deductions and say, "This deduction isn't mine, transfer
8 it to 'X' employee," essentially?

9 A Correct, correct.

10 Q Okay. Is it -- would it be Monica Abila would
11 be the person they would call or would it be you?

12 A Me.

13 Q It would be you?

14 A Me.

15 Q Have you ever met Brett Jarrett?

16 A Yes.

17 Q About how many times have you met him during
18 the course of your employment?

19 A Five to ten, somewhere in there.

20 Q Do you think you would recognize him if he was
21 in this room today?

22 A Yes. He looks just like his dad.

23 Q How about Armando, do you talk to him about as
24 frequently as Wayland?

25 A Yes.



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1 Q When was the last time you spoke to Norman
2 Jarrett, that you remember?

3 A I believe it was in August when I called him to
4 tell him I was sending home FMLA paperwork.

5 Q How were you sending that FMLA paperwork, by
6 mail or --

7 A With his son.

8 Q Did you try to send it any other way?

9 A No. Norman told me to send it with his son.

10 Q Let's talk a little bit about Darrell.

11 What's -- what's Mr. Hallmark's current position in the
12 company?

13 A Senior Vice-President.

14 Q Of?

15 A Transmission Substation and Distribution.

16 Well, we also call that TUS, which is TESSCO Utility
17 Services.

18 Q What's -- what's the level of upper managers
19 below him? Are there two vice-presidents, one of
20 transmission, one of substation?

21 A Now there is a Vice-President of Substation,
22 which is Fred Guerrero. And now there is a
23 Vice-President of Estimating, which I believe is Philip
24 El Turk. And I believe there's also vice-presidents in
25 other divisions.



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1 Q So it would have been -- would it have been
2 after he was terminated, then? I mean --

3 A I don't remember if he was terminated or just
4 was out because of his injury, but he wasn't at work.

5 Q Okay.

6 A Yeah.

7 Q So I'm guessing you -- you would have called
8 him about his -- his jury happened on July 29th. I'll
9 represent that to you. And I'm guessing you would have
10 been calling about the credit card statement that came
11 to you on July 26th.

12 MS. SAWYERS: Objection, form.

13 A Probably. We had until the 10th to get it
14 done, so it was probably between the 29th and the 10th.

15 Q (BY MR. PARZIVAND) Okay. Can you kind of give
16 me the general -- the general feel for how a termination
17 is processed at TESSCO?

18 MS. SAWYERS: Objection, form.

19 A Well, the supervisor will either do it himself
20 or he will call me and say, "Type up a termination.
21 This is what I want you to say."

22 And then I ask, "Well, what was his last
23 day worked," because while Sharon was there, the
24 termination date was the last day worked, not
25 necessarily the date that they made the decision to

1 terminate. And I'd say, "What was the last day worked
2 and is he eligible for rehire?"

3 And then we would find out if they had
4 turned in their uniforms, their credit cards, their fuel
5 cards, their phones and their computers, if they had
6 them -- if they were issued them. And if they had not,
7 we would do a payroll deduction. And then we would also
8 find out if there was any charges on their credit card
9 and try to find the receipts for them and if we
10 couldn't, then do a payroll deduction to try to get
11 those in before their last paycheck, in case they didn't
12 return company property to us.

13 And then I would send them to Sharon and I
14 would cc Darrell on it and the general superintendent in
15 charge and Sheila Hicks and Monica and Amy -- Monica
16 Abila and Amy Beck. And then later it was Jeff Bass and
17 April Rosas we send them to now.

18 Q (BY MR. PARZIVAND) Who is Amy Beck?

19 A She worked with Monica in payroll.

20 Q Is she still working for the company?

21 A No, her and Monica left the same day.

22 Q Is there a back story there?

23 MS. SAWYERS: Objection, form.

24 A When PLS took over, they decided that the
25 Midland office would be closed and they would start an

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1 MR. PARZIVAND: I got you.

2 Let's go ahead and mark --

3 A And then -- oh, I'm sorry.

4 Q (BY MR. PARZIVAND) Go ahead.

5 A Then we thought we were going to have to pay
6 more, because the ticket looked like he got a ticket for
7 speeding. And I was just telling him that he was --
8 that it wasn't for speeding, all that we had to pay for
9 was the DOT inspection and that Mondo was going to try
10 to get that dismissed. So in other words, Jerry didn't
11 owe us any more money for that.

12 Q Got you.

13 A Okay.

14 Q And you run -- whenever -- whenever there is a
15 deduction for lost receipts, you run that by April Rosas
16 every -- every time, huh?

17 MS. SAWYERS: Objection, form.

18 A We do now. That's a new policy.

19 Q (BY MR. PARZIVAND) Okay. So since -- since
20 about January when you started talking to April Rosas
21 regularly or is it a more recent phenomenon?

22 A No, more recent.

23 Q Okay.

24 A I used to just run it by Darrell.

25 Q Okay.



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1 A I run it by their immediate supervisor, which
2 in Jerry's case would have been Wayland or Mondo, and
3 then I run it by Darrell.

4 Q Okay. So since April is onboard, it's safe to
5 say that Sun Electric has similar policies on lost
6 receipts?

7 MS. SAWYERS: Objection, form.

8 A Yes. It's in that expense policy.

9 (Payne Exhibit Number 31 was marked.)

10 Q (BY MR. PARZIVAND) Okay. Let's go ahead and
11 take a look at Exhibit Number 31, just recently marked.
12 This seems to be a deduction on a Power Line Services
13 payroll deduction form for Jerry's uniform. Looks like
14 it was dated -- or at least e-mailed on August 17th,
15 dated August 16th. It's normal policy for y'all to
16 deduct for non -- unreturned uniforms?

17 MS. SAWYERS: Objection --

18 Q (BY MR. PARZIVAND) -- is that correct?

19 MS. SAWYERS: I'm sorry. Objection, form.

20 A Yes, that's correct.

21 Q (BY MR. PARZIVAND) How much time, about, do
22 they -- do employees get to return the uniform before
23 you guys do a deduction?

24 A We want them back before payroll goes in,
25 because they get their last paycheck and then there is



1 Q (BY MR. PARZIVAND) Here you've got a small
2 amount, it's just a receipt from it seems like a
3 convenience store. And receipt got lost and obviously
4 neither you nor -- nor Jerry could locate it and
5 therefore it seems like a deduction took place; is that
6 correct?

7 A Correct.

8 MR. PARZIVAND: This one is a little bit
9 unusual. I'll go ahead and mark it Exhibit Number 34.

10 (Payne Exhibit Number 34 was marked.)

11 A Oh, yeah.

12 Q (BY MR. PARZIVAND) Do you remember -- do you
13 remember this deduction?

14 A Yes, I do now.

15 Q What -- what exactly happened to cost Jerry
16 \$2,500?

17 MS. SAWYERS: Objection, form.

18 A Jerry backed into a car in the RV parking lot,
19 if I remember correctly, and Jerry was on our no drive
20 list, which means he was not covered by our insurance
21 and was not supposed to be driving a company truck. And
22 so I guess Mondo made him pay for part of it -- part of
23 the damages.

24 Q (BY MR. PARZIVAND) So and it was -- it was
25 based on the damages, was the reason for the deduction?





1 A Correct.

2 Q Okay. Well, is it -- is it common for people
3 to have to pay for their damages to equipment at TESSCO
4 or Power Line?

5 MS. SAWYERS: Objection, form.

6 A No, it's not common. I mean, people that
7 are -- that are on our good driving list are insured by
8 our company and therefore our insurance covers it.

9 Q (BY MR. PARZIVAND) Do you remember an instance
10 where Norman had to pay for damage to a vehicle too?

11 MS. SAWYERS: Objection, form.

12 A I think I remember something like that. And I
13 think that Norman had to pay for it, because it was -- I
14 think, if I remember correctly, that's the other one he
15 lied about. And he only had -- he only had to pay a
16 portion of it, though. I don't think he had to pay it
17 all, if I remember correctly. And I think they did that
18 because that was like his seventh or eighth accident and
19 that was -- I'm trying to remember the circumstances.

20 I think Norman had claimed it against his
21 own insurance and saying it was his personal car. And
22 it turned out it was he was really in a company truck
23 and he had taken a company truck home, which was against
24 the rules. And he tried to cover it up and so because
25 of all the money he cost the company because of lying



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1 about it and trying to cover it up, then Wayland made
2 him pay for the portion -- somehow he came up with a
3 portion of what was Norman's responsibility for all of
4 that, so.

5 Q (BY MR. PARZIVAND) Okay.

6 A If -- if I remember -- if that's the one I'm
7 thinking of.

8 MR. PARZIVAND: Let me go ahead and mark
9 Exhibit Number 35.

10 THE WITNESS: Oh, I thought we were
11 through with all the exhibits.

12 MR. PARZIVAND: I'm trying to send a
13 barrage over.

14 (Payne Exhibit Number 35 was marked.)

15 Q (BY MR. PARZIVAND) Do you recognize this
16 document at all?

17 A TESSCO had my permission to withdraw needed
18 amounts from my paycheck to cover any and all
19 outstanding personal charges, which may include any
20 current charges that I may have incurred from uniform
21 rental..."

22 No, I do not.

23 Q I was just curious if y'all have ever applied
24 the 15 percent charge --

25 A Oh, yes, I do. This is part of the -- our old

1 MS. SAWYERS: Objection, form.

2 A No, because as soon as he was to turn in the
3 receipts, he would get the money back. I mean, and he
4 knew from -- from day -- from the day he got a company
5 credit card that he was responsible for that card and he
6 was responsible to turn in those receipts.

7 Q (BY MR. PARZIVAND) Wasn't -- wasn't TESSCO at
8 that point on August 4th, 2010, under the understanding
9 that this is an injured guy who's -- who is a lot more
10 worried about his health than anything else?

11 MS. SAWYERS: Objection, form.

12 A I'm sure they understood that, but, again, this
13 is company policy across the board. And as soon as some
14 of those receipts were found, the payroll deduction, it
15 was my understanding, was reversed from whatever they
16 found in his truck. But TESSCO does that to cover -- to
17 cover themselves, because they lose so much money from
18 people not turning things in when they leave.

19 Q (BY MR. PARZIVAND) So your point here is this
20 wasn't -- this wasn't -- this wasn't personal, you know,
21 this was just an automatic deduction?

22 MS. SAWYERS: Objection, form.

23 A That's correct.

24 Q (BY MR. PARZIVAND) Okay. And -- and this --
25 this would be the same policy that would apply across

1 the board at all Power Line companies, at Sun Electric,
2 at Auger, everything?

3 MS. SAWYERS: Objection, form.

4 A That's correct.

5 MR. PARZIVAND: We've gone an hour. Let
6 me take a small break, re-situate myself and try to
7 figure out what -- what I can take care of by the end of
8 the day.

9 MS. SAWYERS: Okay.

10 MR. PARZIVAND: I don't think I'm going to
11 be able to take care of the whole thing.

12 MS. SAWYERS: Okay.

13 MR. PARZIVAND: It's 5:04.

14 THE VIDEOGRAPHER: Okay. Off the record
15 at 5:08. End of tape three.

16 (A break was taken from 5:08 to 5:18.)

17 THE VIDEOGRAPHER: We're on the record at
18 5:18. Beginning of tape four.

19 MR. PARZIVAND: All right. I've got
20 another exhibit for you, Exhibit Number 37. And I'll go
21 ahead and mark it right here.

22 (Payne Exhibit Number 37 was marked.)

23 Q (BY MR. PARZIVAND) Do you remember your
24 conversation with Aranda Manuel, the insurance claims
25 adjuster from Liberty Mutual regarding -- regarding

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1 NO. 10-12-13331
2 NORMAN JARRETT and § IN THE DISTRICT COURT OF
3 JERRY THURMON §
4 VS. §
5 § MONTGOMERY COUNTY, TEXAS
6 POWER LINE SERVICES, INC. §
7 and TOTAL ELECTRICAL §
8 SERVICE & SUPPLY CO. §
9 § 284TH JUDICIAL DISTRICT

7 REPORTER'S CERTIFICATION

8 DEPOSITION OF SHARI PAYNE

9 APRIL 1, 2011

10 I, Linda Rayburn, Certified Shorthand Reporter
11 in and for the State of Texas, hereby certify to the
12 following:

13 That the witness, SHARI PAYNE, was duly sworn
14 by the officer and that the transcript of the oral
15 deposition is a true record of the testimony given by
16 the witness;

17 That the deposition transcript was submitted on
18 April 15, 2011 to the witness or to
19 the attorney for the witness for examination, signature
20 and return to me by May 5, 2011;

21 That the amount of time used by each party at
22 the deposition is as follows:

23 HESSAM PARZIVAND - 3 hours and 12 minutes

24 That pursuant to information given to the
25 deposition officer at the time said testimony was taken,

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1 the following includes counsel for all parties of
2 record:

3 HESSAM PARZIVAND, Attorney for Plaintiffs

4 HOLLIE SAWYERS, Attorney for Defendants

5 I further certify that I am neither counsel
6 for, related to, nor employed by any of the parties or
7 attorneys in the action in which this proceeding was
8 taken, and further that I am not financially or
9 otherwise interested in the outcome of the action.

10 Further certification requirements pursuant to
11 Rule 203 of TRCP will be certified to after they have
12 occurred.

13 Certified to by me this 15th day
14 April, 2011.

15
16 
17 LINDA RAYBURN
18 Texas CSR 2965
19 Expiration Date: 12-31-12

20 Charlotte Smith Reporting, Inc.
21 Firm Registration No. 361
22 1116 Naylor, Suite C
23 Houston, Texas 77002
24 (713) 523-5400

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was/was not returned to
3 the deposition officer on May 5, 2011;4 If returned, the attached Changes and Signature
5 page contains any changes and the reasons therefor;6 If returned, the original deposition was
7 delivered to Nessam Parzwan,
8 Custodial Attorney;9 That \$ 906.05 is the deposition officer's
10 charges to the Plaintiff
11 for preparing the original deposition transcript and any
12 copies of exhibits;13 That the deposition was delivered in accordance
14 with Rule 203.3, and that a copy of this certificate was
15 served on all parties shown herein on16 August 1, 2011 and filed with the Clerk.17 Certified to by me this 1st day of
18 August, 2011.19
20
21
22
23
24
25
LINDA RAYBURN

Texas CSR 2965

Expiration Date: 12-31-12

Charlotte Smith Reporting, Inc.
Firm Registration No. 361
1116 Naylor, Suite C
Houston, Texas 77002
(713) 523-5400

EXHIBIT

2



CAUSE NO. 10-12-13331

NORMAN JARRETT and) IN THE DISTRICT COURT
JERRY THURMON)
)
)
VS.) MONTGOMERY COUNTY, TEXAS
)
POWER LINE SERVICES, INC.,)
and TOTAL ELECTRICAL)
SERVICE & SUPPLY COMPANY) 284TH JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF

ARMANDO RENTERIA

April 8, 2011

ORAL AND VIDEOTAPED DEPOSITION OF ARMANDO RENTERIA,
produced as a witness at the instance of the PLAINTIFFS,
and duly sworn, was taken in the above-styled and
numbered cause on the 8th of April, 2011, from 9:14 a.m.
to 3:25 p.m., before David S. Smith, RPR, CSR in and for
the State of Texas, reported by machine shorthand, at the
offices of Stuart & Associates, P.C.; 909 Fannin Street,

Suite 3250; Houston, Texas, pursuant to the Texas Rules

of Civil Procedure and any provisions stated on the

record or attached hereto.

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are on the record.

3 It is Friday, April 8th, 2011. It is 9:14 a.m. This is
4 the beginning of Tape 1.5 Will counsel introduce themselves and
6 state whom they represent.7 MS. WALTER: April Walter representing
8 Plaintiffs Norman Jarrett and Jerry Thurmon.9 MS. SAWYERS: Hollie Sawyers representing
10 Defendant Power Line Services and Total Electric
11 Service & Supply Company.12 THE VIDEOGRAPHER: Will the Court
13 Reporter please swear in the Witness.14 ARMANDO RENTERIA,
15 having been first duly sworn, testified as follows:

16 EXAMINATION

17 BY MS. WALTER:

18 Q Please state your full name for the ladies and
19 gentlemen of the jury.

20 A My name is Armando Renteria.

21 Q Do you also go by "Mando" for short?

22 A Yes, ma'am.

23 Q Who is your current employer?

24 A TESSCO Utilities.

25 Q What is your present job title at TESSCO?

1 A I'm a general superintendent in substations.

2 Q Do you have an office at TESSCO?

3 A No, ma'am. I work out of my pickup. We're
4 stationed out of Midland, Texas.

5 Q Throughout your deposition, I will refer to
6 Total Electrical Service & Supply Company as simply
7 "TESSCO" for ease of reference.

8 Do you understand that, sir?

9 A Yes, I do.

10 Q And, likewise, throughout your deposition, I
11 will refer to Power Line Services, Inc., as simply
12 "Power Line" or "PLS" for short.

13 Do you understand that?

14 A Yes, ma'am.

15 Q Do you understand that we are here to take
16 your deposition in connection with a lawsuit that was
17 filed in State court against Power Line and TESSCO by
18 Norman Jarrett and Jerry Thurmon?

19 A Yes, ma'am.

20 Q How did you first learn about this lawsuit?

21 A How?

22 Q Yes.

23 A It was just a phone call from Nicole.

24 Q Is that Nicole Vann?

25 A Yes, ma'am.

1 THE VIDEOGRAPHER: We are back on the
2 record. It is 2:24 p.m. This is the beginning of
3 Tape 4.

4 Q (BY MS. WALTER) I'm going to show you what
5 I've marked as Exhibit 79, a copy of your business card,
6 sir.

7 A (Reviewing document) Gosh! Where did you get
8 this?

9 Q I got this from the Defendants' counsel. Is
10 this an old card?

11 A No, it's current.

12 Q Have you gotten any new cards since Power Line
13 took over TESSCO?

14 MS. SAWYERS: Objection, form.

15 A This is who I work for - TESSCO.

16 Q Okay. My question is: Have you gotten any
17 new business cards since Power Line took over?

18 MS. SAWYERS: Objection, form.

19 A No.

20 Q No?

21 If you could look at premarked Exhibit 32, it
22 is a payroll deduction form, if that helps spot it.

23 A (Reviewing documents) Getting there. I'm
24 getting to where I can find them.

25 Q Exhibit 32 - is that your signature under the

1 general superintendent/superintendent signature?

2 A Yes, it is.

3 Q Okay. Is this a form that you filled out for
4 Mr. Thurmon, to your knowledge?

5 A Yes, it is.

6 Q And the description of the payroll deduction
7 says: "Nokia 6086 cell phone (Sam Gomez's phone)."

8 Do you see that?

9 A Yes.

10 Q Who is Sam Gomez?

11 A At that time he was his foreman.

12 Q He was Mr. Thurmon's foreman?

13 A Yes, at one time. At this particular time.

14 Q Okay. And why was Mr. Thurmon getting a
15 payroll deduction for Sam Gomez's phone?

16 A Because it was off of his credit card.

17 Q Off of whose's credit card?

18 A Jerry Thurmon's company credit card.

19 Q Okay. So, he had purchased Sam --

20 A He had purchased that without authorization,
21 yes.

22 Q Purchased a cell phone for Mr. Gomez?

23 A I don't believe that was a cell phone.

24 Q Okay.

25 A It was, like, an accessory which I think it



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1 was a cord or something of that nature; but it wasn't a
2 cell phone. I'd buy a bunch of them for \$10.

3 Q That's what that was?

4 A That's what that was.

5 Q Okay. And was there a deduction made to
6 Mr. Gomez's pay, as well?

7 A No.

8 Q Why was the deduction made to Mr. Thurmon's
9 pay?

10 MS. SAWYERS: Objection, form.

11 A Because it was his credit card and his
12 responsibility and his place to get authorization.

13 Q And was that --

14 A He authorized him to buy it, but he wasn't
15 authorized to purchase it.

16 Q Okay. I see.

17 And was that pursuant to company policy
18 related to payroll deductions?

19 A Pretty well. We're pretty strong on that.

20 Q What was that?

21 A We're pretty strong on that.

22 Q We're pretty what? I'm sorry.

23 A We're pretty on that when it's not authorized
24 by us.

25 Q What are you strong on, sir?



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1 A On deducting something off their paycheck when
2 they are not authorized to buy it.

3 Q And is that also true that they might be
4 authorized to buy something, but they can't present a
5 receipt for it?

6 A Pretty well.

7 Q Are they strong on that deduction, as well?

8 A Very strong.

9 Q And who does that apply to? Is it just the
10 superintendents?

11 MS. SAWYERS: Objection, form.

12 A Well, no. Everybody. Everybody who has got a
13 credit card.

14 Q Everybody who has a credit card?

15 A Yes, ma'am.

16 Q I'm going to play a tape or a disk for you in
17 a moment. And all I want you to do is listen to the
18 voices on the tape. And my question to you after we
19 play the tape will be: Do you recognize your voice on
20 it?

21 (REPORTER'S NOTE: AN AUDIO RECORDING WAS
22 PLAYED.)

23 Q (BY MS. WALTER) Did you recognize your voice?

24 A That's my voice.

25 Q Did you have that telephone call with --

1 CAUSE NO. 10-12-13331

2 NORMAN JARRETT and) IN THE DISTRICT COURT
3 JERRY THURMON)
4 VS.)
5 POWER LINE SERVICES,) MONTGOMERY COUNTY,
6 INC., and TOTAL) TEXAS
7 ELECTRICAL SERVICE &)
8 SUPPLY COMPANY) 284TH JUDICIAL DISTRICT

9
10 REPORTER'S CERTIFICATION
11 DEPOSITION OF ARMANDO RENTERIA
12 April 8, 2011

13 I, David S. Smith, RPR, Certified Shorthand Reporter
14 in and for the State of Texas, hereby certify to the
15 following:

16 That the witness, ARMANDO RENTERIA, was duly sworn
17 by the officer and that the transcript of the oral
18 deposition is a true record of the testimony given by
19 the witness;

20 That the deposition transcript was submitted on
21 May 16, 2011, to the witness or to the
22 attorney for the witness for examination, signature and
23 return to me by June 06, 2011;

24 That the amount of time used by each party at the
25 deposition is as follows:

26 Ms. Walter.....3 HOURS:33 MINUTES

27 Ms. Sawyers.....No time used

28 That pursuant to information given to the deposition

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1 officer at the time said testimony was taken, the
2 following includes counsel for all parties of record:

3 FOR THE PLAINTIFF:

4 Ms. April L. Walter

5 FOR THE DEFENDANT:

6 Ms. Hollie L. Sawyers

7 I further certify that I am neither counsel for,
8 related to, nor employed by any of the parties or
9 attorneys in the action in which this proceeding was
10 taken, and further that I am not financially or
otherwise interested in the outcome of the action.

11 Further certification requirements pursuant to Rule
12 203 of TRCP will be certified to after they have
13 occurred.

14 Certified to by me this 16th of May,
15 2011.

16
17 
18

19 David S. Smith, CSR, RPR
Texas CSR No. 4166
Expiration Date: 12/31/12
20 Charlotte Smith Reporting, Inc.
1116 Naylor Street, Suite C
21 Houston, Texas 77002
DSMITH@SIMPLECHARLOTTE.COM
22 713.523.5400

23
24
25

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was/was not returned to the
3 deposition officer on June 06, 2011;4 If returned, the attached Changes and Signature page
5 contains any changes and the reasons therefor;6 If returned, the original deposition was delivered
7 to April Walter, Custodial Attorney;8 That \$1,443.95 is the deposition officer's charge
9 to the Plaintiffs for preparing the original deposition
10 transcript and any copies of exhibits;11 That the deposition was delivered in accordance with
12 Rule 203.3, and that a copy of this certificate was
13 served on all parties shown herein on and filed with the
14 Clerk.15 Certified to by me this 9th day of16 August, 2011.17 

18 David S. Smith, CSR, RPR

19 Texas CSR No. 4166

20 Expiration Date: 12/31/12

21 Charlotte Smith Reporting, Inc.

22 Firm I.D. No. 361

23 1116 Naylor Street, Suite C

24 Houston, Texas 77002

25 DSMITH@SIMPLECHARLOTTE.COM

713.523.5400

EXHIBIT

3



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JERRY THURMON, WAYNE) CIVIL ACTION
THURMON, and OTHERS) NO.: 4:11-cv-01365
SIMILARLY SITUATED,)
)
Plaintiffs,)
)
VS.:) COLLECTIVE ACTION
) REQUESTED
POWER LINE SERVCIES, INC.;)
TOTAL ELECTRICAL SERVICE &)
SUPPLY CO.; and SUN ELECTRIC)
SERVICES, INC.,)
)
Defendants.) JURY TRIAL DEMANDED

ORAL AND VIDEOTAPED DEPOSITION OF

FREDERICK C. WASSON

March 7, 2012

ORAL AND VIDEOTAPED DEPOSITION OF

FREDERICK C. WASSON, produced as a witness at the instance of the PLAINTIFFS, and duly sworn, was taken in the above-styled and numbered cause on the 7th of March, 2012, from 9:03 a.m. to 3:11 p.m., before David S. Smith, RPR, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Stuart & Associates; 909 Fannin Street, Suite 3250; Houston, Texas, pursuant to the Texas Rules of Civil Procedure and any provisions stated on the record or attached hereto.



1 Q And who is your current employer?

2 A Power Line Services.

3 Q Is that Power Line Services, Inc.?

4 A Yes.

5 Q When did you first start working for Power
6 Line Services, Inc.?

7 A July of 2010.

8 Q So, you've been working for Power Line for
9 just under two years?

10 A Yes.

11 Q What is your current job title at Power Line
12 Services?

13 A Controller.

14 Q Have you held any other job titles at Power
15 Line Services other than controller?

16 A No.

17 Q Who is your direct supervisor at Power Line
18 Services?

19 A Ken Dodgen.

20 Q And what is Mr. Dodgen's position at Power
21 Line Services?

22 A Chief financial officer.

23 Q Have you had any other direct supervisors
24 besides Mr. Dodgen during your tenure at Power Line
25 Services?

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1 Q Have you always officed at that address during
2 your tenure with Power Line Services?

3 A No.

4 Q What other office have you had?

5 A When I first started, we were on the fourth
6 floor.

7 Q Same building, though?

8 A Uh-huh.

9 Q Is that a "yes"?

10 A Yes.

11 Q Does Power Line Services still occupy any
12 space on the fourth floor, or have they completely moved
13 floors?

14 A Completely moved.

15 Q Do you have any direct reports under you?

16 A Yes.

17 Q How many direct reports do you have?

18 A Five.

19 Q What positions are the persons that report to
20 you?

21 A Assistant controller, finance manager, payroll
22 manager, and two senior accountants.

23 Q What are your principal job duties as
24 controller for Power Line Services?

25 A Primarily responsible for financial

1 statements, transactions. I have accounts payable and
2 payroll report to me. I also have operational
3 accounting projects, just costing review.

4 Q Is that the costing of a particular job?

5 A Of the various jobs, yes.

6 Q Okay.

7 A The -- Also some credit review, credit for
8 customers, and so on.

9 Q Anything else that you can think of as a major
10 job function that you do as the controller?

11 A Currently the -- I have a person that is
12 responsible for system support for our ERP system.

13 Q Is that kind of an IT function?

14 A We're actually moving it to IT.

15 Q Okay. But right now, it's under you?

16 A Correct.

17 Q And the ERP is like your customer management
18 software?

19 A It's the financial system.

20 Q The financial system? Okay.

21 A Uh-huh.

22 Q Now, do you also hold the title of controller
23 for Total Electrical Service & Supply Company?

24 A I'm the controller for the corporate. I don't
25 have a title specific to any of the subsidiaries that we

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1 have at all; so, just controller for the overall entity.

2 Q Okay. Does Total Electrical Service & Supply
3 Company have a separate controller of its own?

4 A No.

5 Q And does Sun Electric Services, Inc., have a
6 separate controller of its own?

7 A No.

8 Q Does Air2, L.L.C., have a separate controller
9 of its own?

10 A No.

11 Q Do you perform those major job functions for
12 Total Electrical Service & Supply Company, as well?

13 A Yes.

14 Q And for the positions that report to you,
15 like, for example, start with the assistant controller
16 position, does that person act as assistant controller
17 for all of the subsidiaries, as well?

18 A Yes.

19 Q So, there's no separate assistant controller
20 under any of the subdivisions?

21 A No.

22 Q And the same for the finance manager. Does
23 that person perform his or her job functions for all of
24 the subsidiaries under Power Line Services?

25 A Yes.



1 A No.

2 Q To prepare for your deposition, did Ms. Rosas
3 provide you with any documents?

4 A No.

5 Q What is Ms. Rosas' current job title at Power
6 Line Services, Inc.?

7 A I believe it's HR manager.

8 Q And has Ms. Rosas always been the HR manager
9 during your tenure with Power Line Services?

10 A She has been an HR manager, yes.

11 Q What do you mean by that distinction?

12 A When I was hired, she was HR manager for Sun
13 Electric.

14 Q To your knowledge, when did she become HR
15 manager for Power Line Services?

16 A Currently, she's HR manager for the Energy
17 Services group, which is primarily TESSCO.

18 Q When did she become the HR manager for the
19 Energy Services group that is primarily TESSCO?

20 A The fall of 2011.

21 Q Okay. Did you have any discussions with
22 Armando Renteria to prepare for your deposition today?

23 A Yes.

24 Q Did you meet in person with Mr. Renteria, or
25 did you do this over the phone?



1 A Over the phone.

2 Q How many discussions did you have with
3 Mr. Renteria?

4 A One.

5 Q When was that?

6 A Monday, this week.

7 Q Did anyone else participate in that call?

8 A No.

9 Q About how long did you speak with
10 Mr. Renteria?

11 A 15 minutes, maybe.

12 Q Can you tell me in as great a detail as you
13 can recall what you and Mr. Renteria discussed in that
14 15-minute call?

15 A Talked about the job duties for a
16 superintendent.

17 Q What did Mr. Renteria tell you the principal
18 job duties were for a superintendent?

19 A Principal job duties were supervising the crew
20 that he's responsible for; preparing the project
21 reports, time sheets for the crew; hands-on position.
22 So, he might be there pulling wire and doing whatever
23 just like everybody else in the crew, which is a very
24 hands-on position. And preparing -- Depending on the
25 project and the customer requirements, the associated



1 paperwork.

2 Q Did Mr. Renteria discuss with you that one of
3 the superintendent's job functions is to obtain material
4 for a job?

5 A We didn't mention that, no.

6 Q To your knowledge from any other sources, is
7 one of the job functions of a superintendent to obtain
8 materials for a jobsite?

9 A I would -- They would -- It would not be
10 unusual for them to place an order for material, no.

11 Q And do they also have occasion to go out and
12 purchase supplies and equipment from hardware stores and
13 other various suppliers while they are out in the field
14 for a jobsite?

15 A They could, yes.

16 Q And they are, in fact, issued corporate credit
17 cards for this purpose, correct?

18 A Yes.

19 Q Did Mr. Renteria discuss anything with you
20 with respect to how materials and equipment are obtained
21 for the jobsites the superintendents oversee?

22 A No.

23 Q With respect to preparing project reports,
24 what sorts of project reports is a superintendent
25 responsible for preparing?



1 A Just current status of the job, daily
2 activities; so, kind of a log of what's going on, what's
3 the status, problems they might run into.

4 Q Now, one of the responsibilities of a
5 superintendent is to perform -- Strike that.

6 One of the responsibilities of a
7 superintendent is to complete a job in a cost-effective
8 manner, correct?

9 A Correct.

10 Q So, the superintendent is the man on the
11 ground in charge of trying to bring a job to completion
12 at an appropriate cost?

13 A One of the people that's responsible for that,
14 yes.

15 Q And the other persons being?

16 A Project managers.

17 Q And would the project managers be people like
18 Mr. Renteria above the superintendent?

19 A Yes.

20 Q When a job is -- Strike that.

21 Jobs are typically bid, correct?

22 A Correct.

23 Q And there are certain cost estimates that are
24 built into that bid, correct?

25 A Yes.

1 Q Is one of the principal job duties of a
2 superintendent to try to complete the job within those
3 parameters of the cost estimates that were built into
4 the bid?

5 A Yes.

6 Q And, ideally, maybe even come in a little
7 lower on the cost side, correct?

8 MS. REIMINGER: Objection. Calls for
9 speculation.

10 A I would assume that, yes, as a company, as
11 managing any individual project, you would like to
12 perform a little better.

13 Q Is that your belief based on your years of
14 experience as a controller?

15 A Yes.

16 Q And you mentioned that one of your principal
17 job duties was performing certain cost reviews; is that
18 correct?

19 A Yes.

20 Q And, so, you will review the costs that are
21 associated with particular jobs?

22 A The senior accountants do that in detail, and
23 I oversee that.

24 Q Besides these job functions that Mr. Renteria
25 discussed with you, as well as the addition of ordering



1 materials or supplies or purchasing equipment and
2 supplies in the field that you testified to, can you
3 think of any other principal job duties for a
4 superintendent?

5 A The only one since you had mentioned it was,
6 of course, filling out and completing his expense report
7 if he's used his credit card.

8 Q And, so, the proper -- I'm sorry.

9 A No, that was basically what was said.

10 Q Okay. And, so, the proper filling out of an
11 expense report is one of the main functions for a
12 superintendent, as well?

13 A Part of the requirements, yes, if they have a
14 company card.

15 Q And is that a weekly requirement?

16 A It's semiweekly. Not semiweekly.

17 Semimonthly.

18 Q Has it always been semimonthly?

19 A No.

20 Q Okay. Previously, it was weekly, correct?

21 A Previously, it was weekly.

22 Q And previously, it had to be submitted on
23 Tuesdays, correct?

24 A I don't recall the day specifically, but every
25 week.



1 Q Had you ever heard of the term "Tuesday
2 packet"?

3 A No.

4 Q Were you aware of a process whereby the
5 superintendents would turn in their expense-related
6 documentation from the field to an office on Tuesdays?

7 A I don't know about the days; but, yes, some
8 superintendents would turn in their receipts to a field
9 secretary or office. And then they would ultimately
10 take those receipts to prepare the expense report.

11 Q And when was the shift made from a weekly
12 reporting to a semimonthly reporting?

13 A 2011. I don't remember exactly when we made
14 that change.

15 Q You understand that superintendents are out in
16 the field?

17 A Yes.

18 Q And, so, they are assigned to jobsites all
19 over the state of Texas?

20 A Yes.

21 Q And they can even be assigned to jobsites all
22 over the Country, correct?

23 A They could.

24 Q So, typically, they are not reporting to a
25 fixed Power Line or TESSCO office, correct?

1 A They are reporting back to the project
2 manager, wherever he may be, as a project manager may
3 have multiple jobs they are responsible for.

4 Q Okay. But in terms of them physically
5 reporting to work, are they typically physically
6 reporting to work at a TESSCO or Power Line office?

7 A No, they would be at the project.

8 Q So, they were staying at hotels, typically?

9 A Could be, yes. Some do.

10 Q Where else would they stay besides a hotel?

11 A Some guys have trailers and ...

12 Q Or, like, a motor home?

13 A Right.

14 Q And, so, they are essentially on the road all
15 the time?

16 MS. RETMINGER: Objection, vague

17 A I don't know if they are on the road all the
18 time. It depends on projects, timing, schedule.

19 Q When they are working, are they typically out
20 in the fields

$$Q_1 = \mathbb{R}^3, \quad M_1 = \mathbb{R}^3$$

22 Q So, they are essentially working out of their
23
24
25

24 A It depends on the job. It can be a field
25 trailer they work out of.

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1 MS. WALTER: And I would hope that the
2 policies and procedures are based in reason.

3 MS. REIMINGER: Yeah, but his personal
4 opinion is of no consequence.

5 MS. WALTER: Yeah. I would hope that
6 policies and procedures are based in reason.

7 Are you instructing him not to answer?

8 MS. REIMINGER: If you're going to
9 continue to ask those questions, I will because he's a
10 30(b) (6) witness.

11 MS. WALTER: We might have to call the
12 court and get the court involved.

13 MS. REIMINGER: Absolutely.

14 Q (BY MS. WALTER) How many -- Strike that.

15 You mentioned that there were field
16 secretaries that would intake the receipts. Can you
17 identify the names of those field secretaries?

18 A No, I don't know their names offhand.

19 Q Do you know the names of --

20 A That can change from time to time. So, that,
21 I don't keep up with.

22 Q Do you know the names of any of them?

23 A Chad Ballows, I believe, is one.

24 Q Is that a male or a female?

25 A It's a female.



1 Q Which subsidiary did she work for?

2 A Utility division, I believe in transmission.

3 Q In the transmission side of the utility
4 division?

5 A Uh-huh.

6 Q Is that a "yes"?

7 A Yes.

8 Q Any others that you can think of?

9 A No.

10 Q Have you ever interacted with Shari Payne?

11 A Yes.

12 Q And do you understand her to have held a
13 position as a field secretary, as well?

14 A I understood her to be office manager.

15 Q When Mr. Thurmon was working for the company,
16 who was he supposed to turn his receipts in to?

17 A That, I have no knowledge of. That was -- I
18 don't know who they might have been turning it in to.

19 Q Who were the other -- Strike that.

20 Do you know the name of anyone to whom any of
21 the substation superintendents were responsible to turn
22 in their receipts to?

23 A Not specifically, no.

24 Q Generally, do you know?

25 A I'd have to speculate; but Shari Payne, I

1 believe, they turned some of the receipts. Or some of
2 the superintendents may have turned their stuff in to
3 her, but I don't know that for sure.

4 Q Now, if Ms. Payne were to testify that she
5 would lose receipts from time to time, do you have any
6 evidence to dispute that?

7 MS. REIMINGER: Objection, vague.

8 A I'm not sure how to answer that. I don't, you
9 know, have any knowledge of it one way or the other.

10 Q So, you couldn't dispute it if she said it?

11 A Yes.

12 Q Take a step back for a moment. You said you
13 met with Ms. Rosas?

14 A Uh-huh.

15 Q What topics did you discuss with Ms. Rosas to
16 prepare for your deposition?

17 MS. REIMINGER: Objection to the extent
18 it involves attorney-client privilege.

19 This was during the meeting with counsel?
20 Is that what you're asking about?

21 MS. WALTER: But I'm also entitled under
22 Rule 30(b) (6) deponent to understand to whom he talked
23 to and about what subjects, where his source of
24 information is.

25 MS. REIMINGER: Sure, if you're not

1 Q Okay. Nothing comes to mind?

2 A No.

3 Q Okay. In your capacity as a controller, do
4 you have any occasion to interact with any outside human
5 resource consultants at Power Line?

6 MS. REIMINGER: Objection, vague.

7 A I -- Once, a single conversation. That was
8 it. I wasn't participating really in anything, but ...

9 Q Was that the Achilles HR consulting firm?

10 A Yes.

11 Q And did the topic or discussion have anything
12 to do with wage and hour laws?

13 A No.

14 Q Did you speak with any of the company's
15 outside human resource consultants to prepare for your
16 deposition today?

17 A No.

18 Q Did you review any written job descriptions
19 for superintendents to prepare for your deposition?

20 A No.

21 Q Based on your understanding of a
22 superintendent's principal job duties, would you agree
23 with me that a large part of his responsibilities
24 include submitting proper paperwork to the office and to
25 customers?

1 MS. REIMINGER: Objection, vague.

2 A No.

3 Q You do not agree with that?

4 A No.

5 Q And why not?

6 A In my conversation with Mr. Renteria, he
7 alluded to he thought about 25 percent of the duties
8 were related to paperwork.

9 Q And you don't feel that -- Strike that.

10 And 25 percent is not a substantial part of a
11 person's job in your viewpoint?

12 MS. REIMINGER: Objection, vague.

13 Argumentative.

14 A It would be coming to some personal
15 conclusion.

16 Q Did Mr. Renteria cite specifically 25 percent?

17 A Yes.

18 Q Those were his words?

19 A Yes.

20 Q And you had mentioned that the job also
21 entailed hands-on work, correct?

22 A Correct.

23 Q Did Mr. Renteria mention a specific percentage
24 of the time that superintendents typically spend on that
25 type of work?



1 A No.

2 Q Do you know from any other source?

3 A No.

4 Q And the supervising of the crew members as a
5 part of a superintendent's job, did Mr. Renteria ascribe
6 a certain percentage of the time that the supervisors do
7 that?

8 A No, he didn't.

9 Q Did he mention any other job function that he
10 ascribed a particular percentage of time?

11 A No.

12 MS. WALTER: I'm going to mark as
13 Exhibit 5 the "Power Line Services, Inc., Employee
14 Expense Policy" dated March 26, 2010.

15 (EXHIBIT NO. 5 WAS MARKED.)

16 Q (BY MS. WALTER) Mr. Wasson, have you ever seen
17 this document before?

18 A (Reviewing document) Yes.

19 Q And when you testified earlier you reviewed
20 the company's employee expense policy, is this the
21 policy you were referencing?

22 A Yes.

23 Q Is this policy still in effect at the present
24 time?

25 A Not this specific one. It's been modified.

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1 submission of the expense report instead of taking the
2 hard core strict policy of deducting it if you don't
3 turn it in by you mentioned a Tuesday. So, if on
4 Tuesday you don't turn it in, we don't automatically
5 deduct it, no.

6 Q And how long have you not been doing it that
7 way?

8 MS. REIMINGER: Objection, form.

9 A In researching and talking to April and just
10 the way of seeing things when I first started, that
11 appears to have been the company policy - I say policy -
12 but the practice all along, that there wasn't an
13 automatic, hard core, absolute on the policy.

14 Q Did you talk with Mr. Renteria at all about
15 the deduction policy --

16 A No.

17 Q -- to prepare for your deposition?

18 A No.

19 Q And you didn't talk to Mr. Chappell, right?

20 A No.

21 Q And you didn't talk to Mr. Hallmark?

22 A No.

23 Q And you didn't talk to Ms. Payne, correct?

24 A No.

25 Q So, do you have any source of information

1 about how they were administering this policy?

2 A How they specifically? No, I don't.

3 Q Was Ms. Rosas involved in the processing of
4 payroll deductions during the time that Mr. Thurmon
5 worked for the company?

6 MS. REIMINGER: Objection, vague.

7 A I don't know that.

8 Q Have you reviewed the Affidavit that Wayland
9 Chappell provided us for this lawsuit to prepare for
10 your deposition?

11 A No.

12 Q This notion that it's not automatic and you
13 err on the side of the employee, what is the source of
14 that information?

15 MS. REIMINGER: Objection, vague.

16 A The source of that information being from
17 seeing how since I joined the company.

18 Q How have you seen it in action?

19 A Understanding that getting feedback that
20 expense reports haven't been turned in timely and we
21 don't then immediately turn around and deduct it.

22 Q When did you start becoming involved in the
23 processing of payroll deductions done by Total
24 Electrical Service & Supply Company?

25 A I started becoming aware of it soon after I

1 titled "Responsibilities." And then it begins by
2 listing "Employee" and then "PLS Executive Management
3 Team, Controller, and Accounts Payable Clerk."

4 Am I right to understand that this is listing
5 off the job duties of these specific groups as it
6 relates to employee expenses?

7 A Yes.

8 Q And one of the job duties for employees is to
9 follow the travel and expense guidelines set forth in
10 this policy, correct?

11 MS. REIMINGER: Objection, vague.

12 A It says it in Section a there, yes.

13 Q So, in "Employees" job duties included the
14 following in Exhibit 5?

15 MS. REIMINGER: Objection, vague.

16 A Part of if they have a company credit card.

17 Q And another job responsibility of employees is
18 to "submit a weekly PLS Expense Report along with
19 receipts and invoice for payment and no longer than
20 30 days from expense having been incurred."

21 Do you see that?

22 A Yes.

23 Q Would you agree that's one of their job
24 responsibilities to turn in these weekly and now
25 semimonthly expense reports and receipts?



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1 A If they have a card and incur expenses, yes.

2 Q And Section d even says: "If a Cardholder, an
3 expense report must be submitted weekly, along with a
4 copy of the Credit Card statement, all receipts,
5 documentation and any required approval signatures,"
6 correct?

7 A Yes.

8 Q So, it is one of the responsibilities of an
9 employee who has a corporate credit card to turn in
10 receipts?

11 A Correct.

12 Q And under Subdivision f, which is on the
13 following page, still listing the responsibilities of
14 employees, it says: "Corporate Credit Cards are only to
15 be used for professional business use only by PLS
16 employees."

17 Is that one of their responsibilities?

18 A It's part of their responsibility of having a
19 company credit card is to make sure that nobody uses it
20 besides them, yes.

21 Q And "It is not to be used to obtain cash
22 advances, bank checks, traveler's checks, or electronic
23 cash transfers or for personal expenses," correct?

24 A Correct.

25 Q And "Personal expenses are only allowed with



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1 employees act and are acting on the best interests of
2 the company so that the expenses are a business-related
3 expense. So, we don't make every attempt to deduct it
4 because if it is a legitimate expense, then obviously it
5 shouldn't be deducted from their pay. And, so, we're
6 not looking to penalize anybody. It's just part of
7 their fiduciary responsibility for having a company
8 credit card that they have a responsibility to turn that
9 in so we can properly record expenses and make sure they
10 have been properly approved.

11 Q And if they have lost that receipt?

12 A If they have lost the receipt, then if the
13 manager says, yes, it's a legitimate business expense,
14 then it's not a problem.

15 Q And the if the manager doesn't say that?

16 A If the manager says, no, it's a personal
17 expense, then that would be something that we would -
18 they would in the field the manager would generate the
19 payroll deduction form because it was a personal expense
20 and process that through.

21 Q Mr. Chappell in Paragraph 4, he testifies
22 about that "about once a month, I'd receive an e-mail
23 from either Crissy Salcido or Shari Payne that listed
24 all employees who had missing receipts for the month. I
25 would forward the e-mail on to those employees under my

1 A Yes.

2 Q And was the policy also intended to discourage
3 undocumented charges?

4 MS. REIMINGER: Objection, vague.

5 A The requirements in following reimbursement
6 and qualifying expenses relative to the IRS requires us
7 to have receipts. So, in that sense, it's just trying
8 to comply with regulations.

9 Q And, so, this job function of turning in
10 receipts implicated tax issues, as well, for the
11 company?

12 MS. REIMINGER: Objection, vague.

13 A Potentially, it could come preparation for the
14 tax returns if you have undocumented expenses like that,
15 yes.

16 Q So, you wanted it to be done properly?

17 A Correct.

18 Q During your tenure with the company, are you
19 aware of anyone who is just terrible at preparing their
20 expense reports in terms of turning in the proper
21 documentation and receipts?

22 MS. REIMINGER: Objection, vague.

23 A I'm not aware of any one individual that has
24 continued to be a problem or issue.

25 Q Have there been instances where it's been a

1 (EXHIBIT NO. 7 WAS MARKED.)

2 Q (BY MS. WALTER) I'm marking as Exhibit 7 a
3 TESSCO expense policy.

4 Have you ever seen this document before?

5 A (Reviewing document) No.

6 Q Now, what is your understanding as you sit
7 here today as to what TESSCO's policy was with respect
8 to payroll deductions for failing to turn in a receipt
9 for a charge to a corporate credit card before
10 Exhibit 5, the Power Line policy, took effect?

11 A Say that again. Sorry.

12 Q Sure. I'll try. This will be a challenge.

13 What is your understanding as you sit here
14 today as to what TESSCO's policy was on the topics that
15 are covered in Exhibit 5 before Exhibit 5 took effect?

16 A That they could deduct for receipts not being
17 turned in or personal expenses occurred on a card.

18 Q And did that -- Strike that.

19 Was that policy in writing to your knowledge?

20 A I don't have any knowledge of that.

21 Q And this policy that's part of Exhibit 7 - it
22 reads: "TESSCO has my permission to withdraw the needed
23 amounts from my paycheck to cover any and all
24 outstanding personal purchases which may include any
25 current charges that I have incurred for uniform rental,



1 A Could.

2 Q When you say "T&D," is that short for
3 transmission --

4 A And distribution.

5 Q -- and distribution?

6 And what job classifications did Shari Payne
7 process payroll deductions for?

8 A Don't know directly with that. I would say no
9 different than what Crissy would have been. You know,
10 they worked in the same office; so ...

11 MS. WALTER: I'm going to mark as
12 Exhibit 8 a payroll deduction form dated May 13th, 2009.

13 (EXHIBIT NO. 8 WAS MARKED.)

14 Q (BY MS. WALTER) Mr. Wasson, did you review
15 Exhibit 8 to prepare for your deposition?

16 A (Reviewing document) Yes.

17 Q And the date on the form is May 13th, 2009,
18 correct?

19 A Yes.

20 Q What is your understanding as to the
21 circumstances that led to this payroll deduction?

22 A I don't have any firsthand knowledge of that
23 particular deduction and didn't confer given that
24 Wayland Chappell approved it and Darrell Hallmark signed
25 off on it and neither one -- I had no conversations with



1 either one of them.

2 Q Did you try to reach Wayland Chappell before
3 your deposition?

4 A No.

5 Q Did you try to reach Darrell Hallmark --

6 A No.

7 Q -- before your deposition?

8 It's my understanding Mr. Chappell quit his
9 employment with TESSCO, correct?

10 A I don't - I don't know the circumstances of
11 his leaving the company.

12 Q Do you know the circumstances of Mr. Hallmark
13 leaving the company?

14 A I believe he resigned.

15 Q Are you aware of the company having the
16 ability - the means to contact Mr. Chappell or
17 Mr. Hallmark?

18 MS. REIMINGER: Objection. Calls for
19 speculation.

20 A I don't have any knowledge of that.

21 Q Okay. So, you don't know whether they would
22 know how to locate them?

23 A Correct.

24 Q So, I understand that you don't have any
25 firsthand knowledge of the circumstances leading to this



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1 deduction. Do you have any kind of hearsay knowledge
2 from any of the preparation work that you did for your
3 deposition as to the circumstances that led to this
4 payroll deduction for Mr. Thurmon?

5 A No, just that it was done and that the
6 document states it's a lost receipt for Home Depot.

7 Q Do you have any knowledge of any facts to
8 suggest that Mr. Thurmon had made a personal charge at
9 Home Depot on the corporate credit card?

10 MS. REIMINGER: Objection. Calls for
11 speculation.

12 A I don't have any knowledge of the expense what
13 it's related to.

14 Q So, you don't know whether it's personal or
15 business?

16 A Correct.

17 Q As you sit here today, you can't say
18 definitively it's personal?

19 MS. REIMINGER: Objection. Asked and
20 answered. Calls for speculation.

21 A I can't answer whether it's business or
22 personal.

23 Q The reference to "Division 320" - what
24 division is that referencing?

25 A That would be the substation division. Oh,



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1 done, it should have been using this form.

2 Q And this form was also used for processing
3 payroll deductions for damage or loss to company
4 property?

5 A Yes.

6 Q Is there any other type of payroll deduction
7 that this form was used for that you are aware of?

8 A Not that I'm aware of. Just that I guess
9 anything that they were going to deem necessary to
10 deduct would have used this form, but --

11 Q Are you aware of any other form besides this
12 form in place with respect to payroll deductions by
13 TESSCO in 2009?

14 A Not that I'm aware of, no.

15 THE VIDEOGRAPHER: Five minutes.

16 Q Do you know which Home Depot the purchase had
17 been made at?

18 A I don't have any knowledge of the expense; so,
19 I don't -- No.

20 Q Do you know whether the purchase -- Strike
21 that.

22 Do you know whether anyone in the company
23 bothered to investigate whether the Home Depot charge
24 had been made at a Home Depot near Mr. Thurmon's home or
25 a jobsite?



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1 MS. REIMINGER: Objection. Calls for
2 speculation. Argumentative.

3 A I don't have any knowledge of the purchase;
4 so, I have no idea.

5 Q Do you have any knowledge of any investigation
6 that was conducted to determine whether or not that was
7 a personal charge or a business charge?

8 MS. REIMINGER: Objection. Calls for
9 speculation.

10 A I don't have any knowledge.

11 Q Do you have any knowledge whether anyone at
12 the company tried to contact Home Depot for any details
13 related to this charge?

14 MS. REIMINGER: Objection. Calls for
15 speculation. Asked and answered.

16 A I have no knowledge of the transaction itself.

17 Q Now, under the employee signature line, it
18 says: "Jerry Thurmon by Phone."

19 Do you see that?

20 A Uh-huh.

21 Q Was that a "yes"?

22 A Yes, yes. Sorry. Yes.

23 Q Do you know whether that is Jerry Thurmon's
24 signature there?

25 A I have no idea what his signature looks like



1 to testify to anybody's signature on whether it's theirs
2 or not.

3 Q Okay. Do you have any knowledge of what was
4 said in any phone conversation with Mr. Thurman about
5 Exhibit 8?

6 A Again, I have no knowledge of the transaction
7 itself and the events around the deduction.

8 Q Is there anyone that's still with the company
9 that you believe would have information about Exhibit 8?

10 A Not that I'm aware of back in '09, not knowing
11 who may or may not have been here.

12 Q Okay. Did you ask Armando Renteria anything
13 about Exhibit 8?

14 A No.

15 Q Did you ask Mr. Renteria about any specific
16 deduction that had been made?

17 A No.

18 Q On this form that is used as Exhibit 8 under
19 "Deduct" and then it's got three lines and one line
20 says: "Full amount," one line says: "2 paychecks" and
21 the third line says: "Other" --

22 A Yes.

23 Q -- what was the company's policy or practice
24 at this time for determining whether a deduction would
25 be made in a full amount or split between two paychecks



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1 MS. REIMINGER: Objection. Calls for
2 speculation.

3 A I don't have any knowledge of that.

4 Q In reviewing Exhibit 8, is there anything out
5 of the ordinary for this deduction that jumps out at
6 you?

7 MS. REIMINGER: Objection, vague.

8 A (Reviewing document) Can you go ahead and ask
9 it again? Sorry.

10 Q In reviewing Exhibit 8, is there anything
11 unusual or out of the ordinary that jumps out at you?

12 MS. REIMINGER: Objection, vague.

13 A No.

14 MS. WALTER: I'm going to mark as
15 Exhibit 9 a PR Employee Sequence Detail.

16 (EXHIBIT NO. 9 WAS MARKED.)

17 Q (BY MS. WALTER) What do you -- Strike that.

18 This was a page of a multipage report that was
19 produced to us by the defendants in this lawsuit.

20 Is there a particular term that you use to
21 call this report, like a shorthand way of referring to
22 it, at Power Line?

23 A No. Just, you know, a payroll history. But I
24 mean, it's --

25 Q Okay. Are you familiar with this form?



1 A I haven't looked at this report before, no.
2 Q Not this particular report, but have you ever
3 looked at the payroll history forms for Power Line?
4 A Well, not this report, the sequence report
5 that you have given me, no.

6 Q Not only for Jerry Thurmon, but for anyone?

7 A Not this particular report, no.

8 Q Okay. Under EDL Type, that column, what is
9 that short for?

10 A Employee deductions and liabilities.

11 Q And if we look under the week ending May 17,
12 2009, the third line that says: "D 1 Advance, 1" and
13 then "1,500, 1,500" and it's got the "15.38" which
14 appears to match the deduction amount for Exhibit 8,
15 correct?

16 A Okay.

17 Q What is the reference to a "D" in the EDL Type
18 column?

19 A Deduction.

20 Q Then the "EDL Code 1 Advance," what does that
21 mean?

22 A That's just the type, and the "1" is just a
23 number that's assigned to the various employee ending,
24 earnings and deductions and liability codes that we have
25 set up as part of payroll.



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1 Q Now, to me, an advance makes it sound like

2 Mr. Thurmon took some sort of payroll advance.

3 Would you agree?

4 MS. REIMINGER: Objection. Calls for
5 speculation.

6 A It is treated as a deduction against - in that
7 earnings code and posted to employee advance, which is
8 then where we would post the offsetting charge on the
9 credit card, say, if that would be the case. So, it's
10 the clearing account we just run the transactions
11 through.

12 Q For these payroll deductions for lost
13 receipts, do you always use the 1 Advance EDL Code?

14 A They should be, yes.

15 Q Is the EDL Code used for any other purpose
16 besides payroll deductions for lost receipts?

17 A That, I don't know.

18 Q And then the "Pay Seq" column - what is that
19 short for?

20 A Pay sequence, which is --

21 Q And then -- Okay. Go ahead.

22 A -- which is processing within the system
23 itself, just an identifier.

24 Q And then in that line that we were looking at
25 that reflects the \$15.38 deduction that had been made to

1 Q Okay. In preparing for this deposition, did
2 you have any discussions with anyone about the fact that
3 in another case that's been filed by a man named Norman
4 Jarrett and Jerry Thurmon for wrongful termination of
5 employment, that the defendants are alleging one of the
6 reasons they fired Norman Jarrett was because he had too
7 many accidents in company vehicles? Did you discuss
8 that at all?

9 A No.

10 MS. REIMINGER: Objection.

11 And to the extent it asks for privileged
12 communication, I instruct you not to answer.

13 Q To your knowledge, when the company entrusts a
14 company vehicle with an employee, it is the employee's
15 responsibility to maintain the condition of that
16 vehicle, correct?

17 A Correct.

18 Q And they can't intentionally damage the
19 vehicle, correct?

20 A Correct.

21 Q They can't recklessly damage it, as well, like
22 slam it into a wall?

23 A Not supposed to.

24 Q Not supposed to, right? Is one of the job
25 functions to maintain that property in good condition?



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1 MS. REIMINGER: Objection, vague.

2 A Let's see. The employee is responsible to
3 maintain all company property of any nature.

4 Q And that would include company vehicles that
5 are entrusted into their care?

6 A Yes.

7 (EXHIBIT NO. 10 WAS MARKED.)

8 Q (BY MS. WALTER) I have marked as Exhibit 10 a
9 payroll deduction dated June 1st, 2009.

10 Did you review this document to prepare for
11 your deposition?

12 A (Reviewing document) Yes.

13 Q It's dated June 1st, 2009, correct?

14 A Correct.

15 Q What were the circumstances that led to this
16 deduction?

17 A I don't know the specific facts except to -
18 damage to a company property, to a piece of equipment.

19 Q So, you don't know any of the details of what
20 happened to that equipment?

21 A No.

22 Q And you don't know any details about what
23 repairs needed to be made?

24 A No.

25 Q And you don't know whether, in fact, repairs



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1 were made for other accidents caused by other employees?

2 A I'm not aware of any other specific accidents
3 of any nature, no.

4 Q It appears to be signed by Armando Renteria
5 and Darrell Hallmark, correct?

6 A Yes.

7 Q Is there any reason why you didn't discuss
8 this with Mr. Renteria before your deposition today?

9 A No specific reason. I just did not ask him.

10 Q It appears in at least reading the form that
11 the company planned to make \$2500 in deductions to
12 Mr. Thurmon's salary, correct?

13 A It appears that, yes.

14 Q And it appears from just reading the form that
15 these deductions would be made over time with \$100 every
16 week deducted until the \$2500 was finally paid out,
17 correct?

18 A Correct.

19 Q Do you know who decided to make those
20 deductions?

21 A The decision to ultimately make the deduction
22 would be Armando and Darrell.

23 Q And are you assuming that because they signed
24 the form?

25 A Darrell as vice president of the division



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1 would have authority to make that decision, yes.

2 Q I know he would have authority, but are you
3 assuming that he actually made that decision just
4 because his signature is on the form?

5 MS. REIMINGER: Objection, vague.

6 A Based on his position, he would be the one to
7 approve that.

8 MS. WALTER: Objection, nonresponsive.

9 Q (BY MS. WALTER) Did Mr. Hallmark ever tell you
10 he made the decision to make this deduction?

11 A I never had a conversation with him related to
12 this one specific incident.

13 Q Okay. Did Mr. Renteria ever tell you he made
14 the decision to make this deduction?

15 A No.

16 Q Did anyone outside the company ever tell you
17 that Armando Renteria or Darrell Hallmark made the
18 decision to make this deduction?

19 A No.

20 Q So, is it correct that you're assuming that
21 they made the deduction or decision to make the
22 deduction?

23 MS. REIMINGER: Objection, argumentative.
24 Calls for speculation.

25 A Based on the approval authorities, yes, he's

1 authorized to prove that.

2 Q It may be a reasonable assumption; but you're
3 just assuming that, correct?

4 MS. REIMINGER: Objection, argumentative.

5 Asked and answered.

6 A Based on the company's practices, yes, I am.

7 Q As you look at Exhibit 10, is there anything
8 that jumps out at you as unusual or out of the ordinary?

9 MS. REIMINGER: Objection, vague.

10 A I'm not sure what you're asking..

11 Q Well, is there anything that strikes you as
12 unusual about Exhibit 10?

13 MS. REIMINGER: Objection, vague.

14 A No.

15 Q Did you review the vehicle incident report
16 that TESSCO had in its files related to this accident to
17 prepare for this deposition?

18 A No.

19 Q Do you have any knowledge as to whether or not
20 the damage to the company vehicle occurred while on
21 company business or personal business?

22 A I don't have any knowledge.

23 Q Going back to that payroll registry that we've
24 marked as 9, it appears to show a \$15.38 deduction was
25 made to Mr. Thurmon's pay on May 17th, 2009.



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1 Would you agree with that?

2 A It appears so, yes.

3 Q Other than the possible link to the payroll
4 deduction form that we've marked as Exhibit 8 which also
5 reflects that same unique amount of 15.38, are you aware
6 of that line being for anything other than the deduction
7 that we've identified as Exhibit 8?

8 MS. REIMINGER: Objection, compound.

9 A (Reviewing document) No.

10 Q And in case that was a wordy question, you
11 just don't know it to be anything else is what I'm
12 trying to get to.

13 A Correct.

14 MS. WALTER: Now, I'm going to show you
15 what I'll mark as Exhibit 11, which it is more pages of
16 that payroll history report.

17 (EXHIBIT NO. 11 WAS MARKED.)

18 A (Reviewing document) Okay.

19 Q (BY MS. WALTER) And you'll see beginning on
20 the payroll of May 31st, 2009, in the fourth line
21 there's these D 1 Advance amounts of \$100. And that
22 will start continuing throughout the subsequent
23 payrolls. Do you see those 100-dollar deductions?

24 A Yes.

25 Q Okay. Did you review any part of this --



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1 Strike that. You already testified that you hadn't.

2 I'm sorry.

3 Are you aware of these 100-dollar deductions
4 that were taken on a weekly basis for 25 weeks beginning
5 May 31st, 2009, being anything other than for the
6 payroll deduction that is reflected in Exhibit 10?

7 A No.

8 Q So, it's fair to say these appear to be the
9 payroll deductions for the damage to the company truck?

10 A Correct.

11 Q I'll represent to you that I've counted them,
12 and there are 25th. So, if you want to take a moment to
13 count them, you may.

14 A I'll believe you.

15 Q It's a predicate to my next question. I'm
16 going to show you some e-mails that have been introduced
17 in this case by defendants.

18 Actually, strike that. This was the other
19 case. I just noticed that.

20 Were you aware of any additional moneys that
21 Mr. Thurmon owed beyond the \$2500 in deductions that
22 were made for that deduction form that we've marked as
23 Exhibit 10?

24 A For that particular deduction, no.

25 Q Were you aware of there being any balance due



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1 from him at his termination of employment for that
2 damage incident?

3 A Not that I'm aware of, no.

4 Q Did you speak with Sheila Hicks to prepare for
5 your deposition today?

6 A No.

7 Q Is Ms. Hicks still with the company?

8 A No.

9 MS. WALTER: I'll show you what I'll mark
10 as Exhibit 12, a payroll deduction form dated July 8th,
11 2010.

12 (EXHIBIT NO. 12 WAS MARKED.)

13 Q (BY MS. WALTER) Did you review this document
14 for your deposition?

15 A (Reviewing document) Yes.

16 Q It's dated July 8th, 2010, correct?

17 A Yes.

18 Q Had you started with the company yet as of
19 July 8th?

20 A July 5th, I think.

21 Q Did you have any personal involvement in this
22 deduction?

23 A No.

24 Q Can you describe for me the circumstances that
25 led to this deduction?

1 A Just that it was a charge - phone-related
2 charge. It appears to be some accessory that was not
3 authorized by the company as part of having a company
4 cell phone.

5 Q Was that a company cell phone issued to
6 Mr. Thurmon?

7 A It probably was a credit card charge. I don't
8 know if he just went out and bought something.
9 Obviously it wouldn't show up. So, I'm assuming that
10 it's a credit card charge for an accessory for the cell
11 phone that he had.

12 And if I go out and buy an accessory to the
13 phone, if I put it on my card, it's not company
14 approved.

15 Q It sounds like you're speculating here. Did
16 you have any discussions with Armando Renteria about
17 Exhibit 12 to prepare for your deposition?

18 A No.

19 Q Did you have any discussions with Wayland
20 Chappell about Exhibit 12 to prepare for your
21 deposition?

22 A No.

23 Q Did you have any discussions with any other
24 current or former TESSCO employee about Exhibit 12 to
25 prepare for your deposition?



1 A No.

2 Q Did you have any discussions with any other
3 former or current Power Line employee about Exhibit 12
4 to prepare for your deposition?

5 A No.

6 Q So, you can read it and kind of make some
7 reasonable interpretations of the form; but you don't
8 have any personal knowledge related to it, correct?

9 A Correct.

10 Q And you haven't been told by any other company
11 employee either past or current the details of what
12 happened with this deduction?

13 A No.

14 Q Do you even know who Sam Gomez is?

15 A I don't know Sam.

16 Q Do you know as you sit here today any facts
17 that suggest this was a personal charge for something
18 Mr. Thurmon bought for himself?

19 MS. REIMINGER: Objection. Calls for
20 speculation.

21 A Firsthand actual knowledge? No.

22 Q Any hearsay knowledge, like, did somebody tell
23 you that?

24 A No.

25 Q Do you know whether Mr. Gomez was the person



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1 who made the charge or Mr. Thurmon?

2 MS. REIMINGER: Objection. Calls for
3 speculation.

4 A I have no knowledge.

5 Q There is no employee signature, correct?

6 A Correct.

7 Q As of July 8th, 2010, would the company
8 process a payroll deduction even if there wasn't an
9 employee signature on the payroll deduction form?

10 A They could.

11 Q I know you said you didn't know who Mr. Gomez
12 was. Do you happen to know whether he was issued a
13 corporate credit card?

14 A No, I don't.

15 MS. WALTER: I'm going to mark as
16 Exhibit 13 another couple of pages of that payroll
17 history report for Mr. Thurmon.

18 (EXHIBIT NO. 13 WAS MARKED.)

19 Q (BY MS. WALTER) At the -- For the payroll
20 dated July 11, 2010, which is at the bottom of the first
21 page of Exhibit 13, the very last line of that payroll
22 on Page 59 shows a deduction of \$10.82.

23 Do you see what line I'm referring to?

24 MS. REIMINGER: Objection.

25 10.81.



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1 MS. WALTER: Did I say something else?

2 MS. REIMINGER: You said "10.82."

3 Q (BY MS. WALTER) Can you see that? I'm sure
4 you can't see the line for 10.82.

5 A (Reviewing document) I see, yeah. No, I don't
6 see 10.82.

7 Q 10.81. So, we're on the same line. That
8 appears to match Exhibit 12, correct?

9 A Appears, yes.

10 Q Do you have any knowledge as to whether or not
11 this was a deduction from Mr. Thurmon's pay that was
12 associated with Exhibit 12?

13 A No, I don't have firsthand knowledge that's
14 specifically what it's for.

15 Q Do you have any knowledge as to it being for
16 anything other than what is part of Exhibit 12?

17 A No.

18 MS. WALTER: I'm going to mark as
19 Exhibit 14 a Payroll Deduction Form dated July 22, 2010?

20 (EXHIBIT NO. 14 WAS MARKED.)

21 Q (BY MS. WALTER) Did you review Exhibit 14 to
22 prepare for your deposition?

23 A (Reviewing document) Yes.

24 Q And it's dated July 22nd, 2010, correct?

25 A Correct.

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1 Q As you sit here today, do you have any
2 knowledge of any personal charge that Mr. Thurmon made
3 to a corporate credit card?

4 MS. REIMINGER: Objection, vague.

5 Q Even if it's not in the documents that we've
6 referenced, just do you know of an instance where, for
7 example, he was viewing porn on his computer and charged
8 it to the company, anything like that?

9 MS. REIMINGER: Objection, vague.

10 A I have no knowledge of any actual expenses,
11 business or personal, of what he actually charged.

12 MS. WALTER: I'm going to mark as
13 Exhibits 18 and 19 because they go together, TESSCO's
14 Interrogatory Responses and then a chart that came with
15 it.

16 (EXHIBIT NOS. 18 AND 19 WERE MARKED.)

17 MS. REIMINGER: And just as we discussed
18 before, all of the things marked CONFIDENTIAL, we would
19 ask that they be designated in the deposition transcript
20 as CONFIDENTIAL.

21 Q (BY MS. WALTER) Have you ever seen Exhibit 19
22 before?

23 A (Reviewing document) No.

24 Q The last page of Exhibit 19 is what we call a
25 verification form. And it's verified by Larry - how do



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1 issued a corporate cell phone?

2 A Not a specific policy that says to a certain
3 level. And it's not that it's even just as a general
4 manager or anything. So, it's just kind of on an
5 individual basis you hire somebody depending on what
6 they are doing if it's determined that they might be
7 better served by having a cell phone.

8 Q And would you agree with me that if an
9 employee is issued a corporate cell phone, that they
10 have a duty to not incur a lot of personal charges on
11 it?

12 A Correct.

13 Q And would you agree with me that if an
14 employee did ring up exorbitant personal charges on a
15 corporate cell phone, the company would have the
16 discretion to write them up?

17 A The management would have the discretion to
18 write their employees up for any number of reasons. I
19 suppose that could be one of them.

20 Q And could a manager also have the discretion
21 to terminate an employee for abusing a corporate cell
22 phone by incurring a lot of personal charges?

23 A Given they have the hiring and firing
24 responsibilities, they could. Most likely, the
25 speculation would be we'd just take the phone away.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION

4 JERRY THURMON, WAYNE) CIVIL ACTION
5 THURMON, and OTHERS) NO.: 4:11-cv-01365
6 SIMILARLY SITUATED,)
7 Plaintiffs,)
8 VS.)
9 POWER LINE SERVICES,) COLLECTIVE ACTION
10 INC.; TOTAL ELECTRICAL) REQUESTED
11 SERVICE & SUPPLY CO.; and)
12 SUN ELECTRIC SERVICES,)
13 INC.,)
14 Defendants.) JURY TRIAL DEMANDED

15 REPORTER'S CERTIFICATION
16 DEPOSITION OF FREDERICK C. WASSON
17 March 7, 2012

18 I, David S. Smith, RPR, Certified Shorthand Reporter
19 in and for the State of Texas, hereby certify to the
20 following:

21 That the witness, FREDERICK C. WASSON, was duly
22 sworn by the officer and that the transcript of the oral
23 deposition is a true record of the testimony given by
24 the witness;

25 That the deposition transcript was submitted on
26 _____, 2012, to the witness or to the
27 attorney for the witness for examination, signature and
28 return to me by _____, 2012;

29 That the amount of time used by each party at the
30 deposition is as follows:

Ms. April Walter.....4 HOURS:27 MINUTES

Ms. Hallie Reiminger.....NO TIME USED

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

FOR THE PLAINTIFF:

Ms. April L. Walter

FOR THE DEFENDANT:

Ms. Hollie Reiminger

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Further certification requirements pursuant to Rule 203 of TRCP will be certified to after they have occurred.

Certified to by me this 21st of March,
2012.



David S. Smith, CSR, RPR
Texas CSR No. 4166
Expiration Date: 12/31/12
Charlotte Smith Reporting, Inc.
1116 Naylor Street, Suite C
Houston, Texas 77002
DSMITH@SIMPLECHARLOTTE.COM
713.523.5400

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

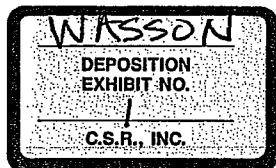
JERRY THURMON, WAYNE THURMON, and OTHERS SIMILARLY SITUATED, Plaintiffs,	§ CIVIL ACTION NO. 4:11-cv-01365 § § § § § § § § COLLECTIVE ACTION REQUESTED
VS.	§ § § § § § JURY TRIAL DEMANDED
POWER LINE SERVICES, INC., TOTAL ELECTRICAL SERVICE & SUPPLY CO., and SUN ELECTRIC SERVICES, INC., Defendants.	§ § § § § § § §

**PLAINTIFFS' NOTICE OF INTENTION TO DEPOSE
CORPORATE REPRESENTATIVE(S) UNDER FEDERAL RULE 30(b)(6)**

TO: Defendant Total Electrical Service & Supply Co., by and through its attorneys of record, R. Glen Rigby, Laurence E. Stuart, Cheri Thomas, and Hollie L. Reiminger, Stuart & Associates P.C., 909 Fannin, Suite 3250, Houston, Texas 77010.

Please take notice that Plaintiffs Jerry Thurmon, et al., pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, will take the oral deposition(s) of Defendant Total Electrical Service & Supply Co. ("Defendant") through its corporate representative(s) beginning on March 7, 2012, at 9:00 a.m., and continuing thereafter from day to day until completed. The deposition will occur before a certified shorthand reporter at Defendant's counsel's office located at Stuart & Associates, P.C., 909 Fannin, Suite 3250, Houston, Texas 77010. The deposition may also be videotaped.

Pursuant to Rule 30(b)(6), Defendant shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on Defendant's behalf, and may set forth, for each person designated, the matters on which that person shall testify.



Any person(s) designated to testify must be competent and prepared to testify on behalf of Defendants on the following subjects:

1. **POLICIES AND PRACTICES FOR PAYROLL DEDUCTIONS:**

Defendant's policies and practices for making any deductions to the pay of Substation Superintendents, or any similarly situated employees, in the period from April 2008 to the present for: (a) Any credit card charges for which the employee has not provided an itemized receipt or a receipt could not be located evidencing the business-related nature of the charge; (b) Any personal charges (e.g., personal telephone calls or text messages) made to a company-provided cell phone; and/or (c) lost or damaged company equipment or property.

2. **PAYROLL DEDUCTIONS:** All payroll deduction forms that have been produced in this litigation and the process for making and circumstances surrounding those deductions, including, but not limited to, the payroll deduction forms produced as Bates TESSCO2 77-79, TESSCO2 112, and TESSCO2 244-251.

3. **JOB DESCRIPTIONS AND DUTIES:** The job descriptions and duties of Substation Superintendents in the period from April 2008 to the present.

4. **OVERTIME EXEMPT OR NON-EXEMPT STATUS:** The overtime exempt or non-exempt status of Substation Superintendents in the period from April 2008 to the present.

5. **WITNESSES:** Defendants' employees who had control over deductions made to the pay of Substation Superintendents, and any similarly situated employees, in the period from April 2008 to the present.
6. **POWER LINE'S EMPLOYEE EXPENSE POLICY AND DEDUCTIONS:** The application of the Power Line Employee Expense Policy (Bates TESSCO2 66-75) to your employees, and any other policy(s) that Defendant Power Line Services, Inc. has implemented for your employees that may result in irregular deductions to salaried employees, including but not limited to, deductions for telephone charges, lost or damaged uniforms, or lost or damaged company equipment or property.

Within a reasonable time before the deposition is scheduled to be taken, please provide the names and titles of any person(s) designated to give testimony and identify the specific areas outlined above about which each such person shall be tendered as a knowledgeable witness for Defendant.

Because Magistrate Judge Johnson has bifurcated discovery into a first phase related to Plaintiffs' motion for conditional certification as a collective action and subsequent phase related to the merits of Plaintiffs' claims, Plaintiffs reserve all rights to depose Defendant's corporate representative(s) on additional merits-based topics after the filing of Plaintiffs' motion for conditional certification as a collective action.

Respectfully submitted,

/Michael A. Starzyk/
Michael A. Starzyk
Attorney-in-Charge
TBA # 00788461
Southern District of Texas Bar No.16926
April L. Walter
TBA # 24052793
Southern District of Texas Bar No. 713287
Hessam Parzivand
TBA # 24071157
Southern District of Texas Bar No. 1129776

STARZYK & ASSOCIATES, P.C.
10200 Grogan's Mill Road
Suite 300
The Woodlands, Texas 77380
T: [281] 364-7261
F: [281] 364-7533

**ATTORNEYS FOR PLAINTIFFS,
JERRY THURMON, WAYNE THURMON and
OTHERS SIMILARLY SITUATED**

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day February, 2012, I served the foregoing on the following:

R. Glen Rigby
Laurence E. Stuart
Cheri Thomas
Hollie L. Sawyers
STUART & ASSOCIATES P.C.
909 Fannin, Suite 3250
Houston, Texas 77010
Attorneys for Defendants
Via Facsimile

/s/ Hessam Parzivand
Hessam Parzivand

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

**JERRY THURMON,
WAYNE THURMON,
and OTHERS SIMILARLY
SITUATED,
Plaintiffs.**

vs.

POWER LINE SERVICES,
INC., TOTAL ELECTRICAL
SERVICE & SUPPLY CO., and
SUN ELECTRIC SERVICES, INC.,
Defendants.

§ CIVIL ACTION NO. 4:11-cv-01365

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CORPORATE REPRESENTATIVE(S) UNDER FEDERAL RULE 30(b)(6)**

TO: Defendant Power Line Services Inc., by and through its attorneys of record, R. Glen Rigby, Laurence E. Stuart, Cheri Thomas, and Hollie L. Reiminger, Stuart & Associates P.C., 909 Fannin, Suite 3250, Houston, Texas 77010.

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/s/ Hessam Parzivand
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